

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

6:00 P.M.

AMENDED AGENDA

Monday, February 2, 2009

REGULAR MEETING

CALL TO ORDER & ROLL CALL—COUNCILMEMBER DEERING ABSENT/EXCUSED
INVOCATION will be given by Reverend Glenn Rowley, St. John's Methodist Church
PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Work Session Meeting minutes of January 14, 2009, and the Regular Meeting minutes of January 20, 2009. **MOTION TO APPROVE BOTH MEETING MINUTES PASSED BY A VOTE OF 6-0**

2. PROCLAMATION

The Women Making History Organization has presented the City with a proclamation to declare the month of March 2009 as "Women's History Month" and Sunday, March 1, 2009, as "Women Making History Day".

3. PRESENTATION

Four students from the Kingman Academy of Learning will make a presentation to the council about their trip to Washington D.C. for the inauguration of President Obama.

4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

5. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Special Event Liquor License Application

Agent and applicant Mary McLaughlin of the Mohave County Democratic Party, has applied for a special event liquor license for a President's Day Dinner to be held on February 28, 2009, from 5:00 p.m. to 9:00 p.m., located at 120 W. Andy Devine Avenue, Kingman. **Staff recommends approval. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

b. RFP for Contract Transit Services

At the quarterly meeting of the Transit Advisory Commission on January 21, 2009, the RFP comparison was provided for review and recommendation. Two bids were received for contract transit services. McDonald Transit Associates quoted \$58.33 per service hour costs; Value-Trans quoted \$49.45 per service hour; and KART operates at \$47.87 per service hour costs. **The Transit Advisory Commission recommends that KART continue to operate as a city-entity operated system. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

c. Amendment No. 1 to Agreement with Brown & Caldwell for Engineering Services related to the planning and upgrade of the Downtown Wastewater Treatment Plant, Engineering Project ENG07-040

On July 7, 2008, the Council approved an Agreement with Brown & Caldwell to prepare a wastewater management report for the Downtown Wastewater Treatment Plant. The study reviewed several design alternatives with the basic goal of determining the best way to bring the plant into ADEQ compliance. The report concludes that reconstructing the downtown plant on its current site is the most feasible alternative. Staff recommends proceeding with preliminary design associated with the permitting requirements and WIFA loan application. This includes site surveying and geotechnical evaluation, environmental and cultural documents and hydraulic modeling. Brown & Caldwell has prepared a proposal to begin preliminary design and hydraulic modeling for \$191,201 in compensation. **Staff recommends that the Agreement with Brown & Caldwell be modified to include the work in Amendment No. 1 dated January 23, 2009, and that the Mayor be authorized to sign on behalf of the City. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

d. Resolution No. 4588 – request to modify Assessments No. 0510018 and No. 0510019 for the Airway Avenue Underpass Improvement District

Property owners within the City of Kingman Airway Avenue Underpass Railroad Crossing Improvement District have requested modifications to Assessment No. 0510018 and Assessment No. 0510019. Assessment No. 0510018 was initially created for a 20 acre property. This property will be split into approximately 0.02 and 19.98 acre parcels. Assessment No. 0510019 was initially created for a 20 acre property. This property will be split into approximately 6.76 and 13.24 acre parcels. Resolution No. 4588 reallocates the original assessments to the new parcels. **Staff recommends approval of Resolution No. 4588 MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

6. NEW BUSINESS

a. Resolution No. 4587 – authorization for the Mayor to sign an intergovernmental agreement with the Arizona Department of Transportation for right-of-way activities associated with the Rattlesnake Wash/I-40 traffic interchange

Approximately 81 acres of right-of-way are needed for construction of Phase 1 of the Rattlesnake Wash traffic interchange project. Under the Letter of Intent signed in January 2006, the City of Kingman is responsible for all right-of-way acquisition activities. In order to comply with federal acquisition guidelines and maintain project eligibility for federal funding sources, it is recommended that the city follow ADOT acquisition procedures. This proposed agreement would allow ADOT to contract for surveying, right-of-way plans, staking, and monumentation in accordance with state and federal specifications. The City of Kingman would pay up-front for these services as they are needed, starting with surveying. **Staff recommends adopting**

Resolution No. 4587 authorizing the Mayor to sign an intergovernmental agreement with ADOT for right-of-way activities associated with the Rattlesnake Wash/I-40 traffic interchange. MOTION TO APPROVE WAS PASSED BY A VOTE OF 3-2 WITH COUNCILMEMBERS GORDON AND YOUNG VOTING NO AND MAYOR SALEM RECUSING HIMSELF.

b. Public Hearing – Ordinance No. 1646 – approval of rezoning from R-1-8 with conditions to R-1-10 on 2.81 acres located at the southwest corner of the intersection of Southern Avenue and North Central Street

A request from Fripps Ranch, LLC, applicant and property owner, for the rezoning of certain property from R-1-8: Residential Single Family 8,000 square foot lot minimum, with conditions to R-1-10: Residential Single Family, 10,000 square foot lot minimum. In 1998, the Council zoned all of the Fripps property south of Southern Avenue and North Central to R-1-8. However, the Council at that time placed a condition on that rezoning, in response to neighborhood concerns, that the property facing Southern Avenue must be half acre lots, 100 feet deep by 200 feet wide, with the balance of the property in 8,000 square foot lots. The effect of this request, if approved, would allow up to 12 lots from the current requirement of six lots facing Southern Avenue. The area has never actually been platted for a single family subdivision. If the zoning were approved, a plat would have to be submitted and approved. Water and sewer extensions would be necessary across the property frontage on Southern, as would street improvements including sidewalks. **The Planning and Zoning Commission recommended denying this request. MOTION TO DENY THIS ORDINANCE WAS PASSED BY A VOTE OF 4-2 WITH COUNCILMEMBERS LYONS AND GORDON VOTING AGAINST THE DENIAL**

c. Public Hearing – Ordinance No. 1647 – approval of rezoning from R-1-10 to C-2-HMR on 3.85 acres located at the southwest corner of the intersection of Mission Boulevard and Granite Bluffs Drive

A request from Kingman Associates 3, LLC, applicant and property owner, for the rezoning of certain property from R-1-10: Residential Single Family, 10,000 square foot lot minimum to C-2: HMR Overlay District. The Kingman General Plan 2020 indicates the subject property to be divided between Community Commercial and Medium Density Residential 3-8 du/ac land uses. The former land use designation would allow for C-2-HMR zoning, while the later designation would anticipate the current zoning of R-1-10. The applicant did not submit a conceptual plan for the development of the site, nor is there a detailed discussion of the intended use. Staff determined that 71% of the property zoned C-2-HMR remains undeveloped including 30 acres of property within a 1,000 foot radius of the site. A petition against the rezoning was also received at the commission meeting. Approval of this rezoning request would require a $\frac{3}{4}$ vote of the Council as more than 20% of the owners on one side of the subject site have signed the petition protesting the rezoning. **The Planning and Zoning Commission and staff recommendations are to deny the rezoning request. THE APPLICANT REQUESTED THIS REQUEST BE PULLED FROM THE AGENDA. A MOTION TO CONTINUE THE PUBLIC HEARING WAS PASSED BY A VOTE OF 6-0. A MOTION TO DENY THIS REZONING REQUEST WAS PASSED BY A VOTE OF 6-0**

d. Ordinance No. 1648 – request to amend Section 7.000 of the Kingman Zoning Ordinance to include a rectory or parsonage as an accessory use for churches and to allow such housing to include permanent structures as well as recreational vehicles

Staff believes that allowing churches to have a residence in the R-R zoning district would not create a negative impact. However, the dwelling should either be attached to the primary building or a detached site built or manufactured home. A recreational vehicle should not be allowed as a residence. **The Planning and Zoning Commission and the staff recommend denial of this amendment. MOTION TO DENY WAS PASSED BY A VOTE OF 6-0**

e. Public Hearing – Resolution No. 4583 – request to extinguish a 10 foot wide easement located within Block 18, Cecil Davis Addition, Unit No. 3

The extinguishment of this public utility easement will allow the subject property to be developed commercially. Resolution No. 1177, passed by the City Council in October, 1987, vacated a portion of the old Hualapai Mountain Road alignment and between Monroe and Adams Streets south of Karen Avenue. An easement for electrical poles and a telephone cable was recorded upon the vacation of the right-of-way as a condition of the resolution. The easement was granted to Citizens Utilities Company which was the predecessor to UniSource Electric. Staff notified UniSource along with other utility companies and city departments. There were no objections to the extinguishment of the easement. **The Planning and Zoning Commission and the staff recommend approval of Resolution No. 4583. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

f. Public Hearing – Resolution No. 4584 – request for a Conditional Use Permit to allow commercial off street parking in conjunction with an adjacent permitted commercial use on certain property zoned R-1-6: Residential, Single Family, 6,000 square foot lot minimum

The subject property is located on Louise Avenue adjacent to Kokopelli Plaza which is located at 1115 N. Stockton Hill Road. The parking lot will create additional parking for Kokopelli Plaza. Based on the findings that the application conforms to the Goals and Objectives of the Kingman General Plan 2020 and the Standards for Review, Findings of Fact, Required Findings of a Conditional Use Permit and Analysis contained in the staff report, planning staff recommends approval with the following conditions: A) A six foot masonry wall shall be provided along the southern property line and a six foot masonry wall that is reduced to three feet within the required front yard setback of the adjacent residential property shall be provided along the western property line, B) Landscaping equivalent to the requirements of Section 10.000 of the City of Kingman Zoning Ordinance shall be provided, and C) Street improvements shall be provided the length of the subject property. **The Planning and Zoning Commission and the staff recommend approval with conditions A-C. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

g. Public Hearing – Resolution No. 4585 – if adopted would grant a Conditional Use Permit to Richard and Diana Anderson to place a 53 foot high Wind Turbine Tower at 525 Lomas Flojas

The Andersons own a single-family house on 2.42 acres located at 525 Lomas Flojas Street. They would like to place a 53 foot wind turbine tower on the western portion of the lot. All of the setbacks are in conformance with the minimum setback requirements of the Section 26.1300 of the Zoning Ordinance. No surrounding property owners have commented on the impact of the structure on the neighborhood. The structure will be constructed by a licensed contractor who will be working from engineered building plans. **The Planning and Zoning Commission and the staff recommend approval of this conditional use permit at the location proposed by the applicant. MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0**

h. Public Hearing – Resolution No. 4586 – approval of a preliminary plat for The Fountains, Tract 6042

A request from Taney Engineering, project engineer, and Primecap Mortgage Fund, LLC, property owner, for the approval of a preliminary plat for The Fountains, Tract 6042. The subject property is located along the south side of Gordon Drive, east of Safeway and west of Walleck Ranch. The subdivision is proposed to have three lots on 13.78 acres. The intent is to develop Lots 1 and 2, which front on Gordon Drive, for medical offices and clinics. Lot 3 is intended for a senior apartment complex. The initial review by staff recommended tabling the preliminary plat to allow the project engineers and opportunity to address a number of issues that included extending the right-of-way for N. Glen Road from the Coronado Channel to Gordon Drive, the need for an additional five feet of right-of-way for Gordon Drive, and issues related to drainage on and through the property. The project engineer responded by addressing many of these concerns with a revised preliminary plat that was reviewed by staff. **The Planning and Zoning Commission and the staff recommend approval of Resolution No. 4586. THE APPLICANT REQUESTED THIS REQUEST BE PULLED FROM THE AGENDA. A MOTION TO CONTINUE WITH THE PUBLIC HEARING PASSED WITH A VOTE OF 6-0. MOTION TO TABLE THIS REQUEST UNTIL THE MARCH 2, 2009 MEETING WAS PASSED BY A VOTE OF 6-0**

i. Purchase of property at 429 East Beale Street

The City of Kingman has secured rights to purchase the property at 429 East Beale Street, the current National Bank of Arizona building. The City has the option to purchase the property for \$330,000. Proposed uses of the property are to include a new and larger Council chambers, offices for the City Attorney in order to move them closer to the City complex and Court buildings, and needed storage. **Staff recommends the approval of the purchase of this property. MOTION TO PURCHASE THE PROPERTY WAS PASSED BY A VOTE OF 6-0**

7. DEPARTMENT REPORTS

City staff will provide a second quarter financial summary

8. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

If needed

ADJOURNMENT

Posted _____ by _____